

From: [Strachan, Amanda \(USAMA\)](#)
To: [Kendall, Michael](#)
Cc: [Papenhausen, Lauren](#); [Tomback, Andrew \(External\)](#); [Medici, Dan](#); [Murrane, Mary \(USAMA\)](#); [Head, Carol \(USAMA\)](#); [Abely, William \(USAMA\)](#); [Frank, Stephen \(USAMA\) 1](#); [Wright, Leslie \(USAMA\)](#); [Kearney, Kristen \(USAMA\)](#); [Stearns, Ian \(USAMA\)](#)
Subject: RE: Wilson Forfeiture
Date: Tuesday, July 25, 2023 1:32:34 PM

Hi Mike,

I wanted to confirm that Bill and I received this email yesterday, and we have since seen the motion you filed this morning. I hope you understand that while Bill and I are happy to engage on issues that arise in the Criminal Division, we can't always meet short deadlines imposed by counsel for substantive responses. I'm aware that you also requested that Steve provide a complete and substantive response to your request by Monday at 10 am. I wanted to let you know I asked him not to provide such a response while we were still discussing your request internally. Since the matter is now in motion practice, we'll respond in substance there.

Thanks,
Amanda

From: Kendall, Michael <michael.kendall@whitecase.com>
Sent: Monday, July 24, 2023 10:36 AM
To: Frank, Stephen (USAMA) 1 <SFrank1@usa.doj.gov>; Wright, Leslie (USAMA) <LWright4@usa.doj.gov>; Kearney, Kristen (USAMA) <KKearney@usa.doj.gov>; Stearns, Ian (USAMA) <IStearns@usa.doj.gov>; Strachan, Amanda (USAMA) <AStrachan@usa.doj.gov>; Abely, William (USAMA) <wabely@usa.doj.gov>
Cc: Papenhausen, Lauren <lauren.papenhausen@whitecase.com>; Tomback, Andrew (External) <atomback@mclaughlinstern.com>; Medici, Dan <dan.medici@whitecase.com>
Subject: [EXTERNAL] Wilson Forfeiture

Amanda and Bill,

We regret that we have to contact you about this issue in the Wilson case, but we have been trying to discuss the matter with the trial team since July 17, and have not received a substantive or straight forward answer. The issue concerns the return of the \$1 million of John Wilson's money that the government has been holding pursuant to forfeiture claims that are now moot. During the undercover part of the case in 2018, Singer persuaded John to forward two charitable donations of \$500,000. The Wilson Indictment included a forfeiture claim for these funds based on the money laundering count, and a separate claim based on the fraud and bribery counts.

Just prior to the start of the 2021 trial, the Government dismissed the money laundering count. On June 29, 2023, the Government filed a notice indicating its intent to dismiss the seven counts that allege fraud and bribery. We therefore emailed the trial team to ask for its assent to a motion to ask for the return of the \$1 million that was being held subject to the forfeiture claims.

We have attached the email chain below. The trial team indicated a lack of knowledge of the forfeiture claim and the funds. Under DOJ procedure, the Office is supposed to place the funds with the Marshals Service to hold the money in a specific account. The trial team appears to have indicated its belief that the Marshals Service does not have custody of the funds. Given the amount of money involved, this is highly concerning. John has suffered significant financial harm by this money being tied up for over 4

years. With current interest rates, he is losing close to \$1,000 a week.

Could you please ensure that we receive a complete and substantive response Monday 2 pm as to the status of the funds, the history of their treatment and any purported notice to John, and the Government's position on their immediate return? I do not mean to sound rude by trying to impose a short deadline, but after 7 days we would like a meaningful response.

Mike

Michael Kendall | Partner
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Short Dial *8 160 9310

From: Kendall, Michael
Sent: Friday, July 21, 2023 4:28 PM
To: 'Frank, Stephen (USAMA) 1' <Stephen.Frank@usdoj.gov>; Wright, Leslie (USAMA) <Leslie.Wright@usdoj.gov>; Kearney, Kristen (USAMA) <Kristen.Kearney@usdoj.gov>; Stearns, Ian (USAMA) <Ian.Stearns@usdoj.gov>
Cc: Papenhausen, Lauren <lauren.papenhausen@whitecase.com>; Tomback, Andrew (External) <atomback@mclaughlinstern.com>
Subject: RE: Wilson

Steve,

We have been trying to engage with the trial team since Monday, on what should be a fairly routine return of funds. The government never secured a forfeiture judgement adverse to John, and indicated three weeks ago that it wanted to dismiss all of the counts that could possibly give rise to a forfeiture claim. Given the amount of money involved, and interest rates, your delay is causing a real injury to John. The lost interest alone is approaching one thousand dollars a week. We ask that you provide us with a complete and substantive response by Monday 10 am.

Otherwise, it seems we will need to ask that Bill and Amanda be part of the communication.

Mike

Michael Kendall | Partner
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Short Dial *8 160 9310

From: Frank, Stephen (USAMA) 1 <Stephen.Frank@usdoj.gov>
Sent: Thursday, July 20, 2023 9:23 AM
To: Kendall, Michael <michael.kendall@whitecase.com>; Wright, Leslie (USAMA) <Leslie.Wright@usdoj.gov>; Kearney, Kristen (USAMA) <Kristen.Kearney@usdoj.gov>; Stearns, Ian (USAMA) <Ian.Stearns@usdoj.gov>
Cc: Papenhausen, Lauren <lauren.papenhausen@whitecase.com>; Tomback, Andrew (External) <atomback@mclaughlinstern.com>
Subject: RE: Wilson

Mike,

I'm tied up this morning and unable to respond by 11. We'll get back to you as promptly as we can.
Thanks,
Steve

From: Kendall, Michael <michael.kendall@whitecase.com>
Sent: Thursday, July 20, 2023 7:29 AM
To: Frank, Stephen (USAMA) 1 <SFrank1@usa.doj.gov>; Wright, Leslie (USAMA) <LRWright4@usa.doj.gov>; Kearney, Kristen (USAMA) <KKearney@usa.doj.gov>; Stearns, Ian (USAMA) <IStearns@usa.doj.gov>
Cc: Papenhausen, Lauren <lauren.papenhausen@whitecase.com>; Tomback, Andrew (External) <atomback@mclaughlinstern.com>
Subject: [EXTERNAL] RE: Wilson

Steve,

We look forward to your response to the message below. When you respond, can you please describe what notice the Government claims to have given to John as part of any ostensible forfeiture, and provide us with a copy? This request applies to anything specifically served on him, or that was accomplished thru publication or another means.

We expect it will be necessary to have a principled discussion with the Office on this, and clarifying the procedure and notice will benefit all of us.

Mike

Michael Kendall | Partner
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Short Dial *8 160 9310

From: Kendall, Michael
Sent: Thursday, July 20, 2023 12:39 AM
To: 'Frank, Stephen (USAMA) 1' <Stephen.Frank@usdoj.gov>; Wright, Leslie (USAMA) <Leslie.Wright@usdoj.gov>; Kearney, Kristen (USAMA) <Kristen.Kearney@usdoj.gov>; Stearns, Ian (USAMA) <Ian.Stearns@usdoj.gov>
Cc: Papenhausen, Lauren <lauren.papenhausen@whitecase.com>; Tomback, Andrew (External) <atomback@mclaughlinstern.com>
Subject: RE: Wilson

Steve,

Thank you for your response.

1. Is the request for a dismissal with or without prejudice?
2. As we both know, the Government received \$1m from John as part of the undercover operation with Mr. Singer involving Stanford and Harvard. Defense counsel understood that to be subject to the forfeiture counts and assumed it was held by the Marshals. Please provide a complete statement as to your position on what basis it is being held and if the government will return it to John. Given the significance of this issue, we would appreciate if you could explain the government's position as to the status of the \$1m by 11 am today.

Michael Kendall | Partner
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Short Dial *8 160 9310
Defense counsel

From: Frank, Stephen (USAMA) 1 <Stephen.Frank@usdoj.gov>
Sent: Wednesday, July 19, 2023 9:27 PM
To: Kendall, Michael <michael.kendall@whitecase.com>; Wright, Leslie (USAMA) <Leslie.Wright@usdoj.gov>; Kearney, Kristen (USAMA) <Kristen.Kearney@usdoj.gov>; Stearns, Ian (USAMA) <Ian.Stearns@usdoj.gov>
Cc: Papenhausen, Lauren <lauren.papenhausen@whitecase.com>; Tomback, Andrew (External) <atomback@mclaughlinstern.com>
Subject: RE: Wilson

Mike,

We assent to a motion to return the \$200,000 fine.

We filed a notice of dismissal as to both Mr. Wilson and Mr. Abdelaziz. The notice requested that the Court grant leave to file. The Court previously granted a similar notice and we expect it will do so here. *See United States v. Zangrillo*, Dkt. 1723. In addition, as you know, Mr. Abdelaziz has filed an unopposed motion for execution of the notice of dismissal, which remains pending. We do not believe anything further is necessary at this time.

We are not certain what you are referring to with respect to \$1 million seized by the Marshals Service. Could you clarify?

Thanks,
Steve

From: Kendall, Michael <michael.kendall@whitecase.com>
Sent: Wednesday, July 19, 2023 1:18 PM
To: Frank, Stephen (USAMA) 1 <SFrank1@usa.doj.gov>; Wright, Leslie (USAMA) <LWright4@usa.doj.gov>; Kearney, Kristen (USAMA) <KKearney@usa.doj.gov>; Stearns, Ian (USAMA) <IStearns@usa.doj.gov>
Cc: Papenhausen, Lauren <lauren.papenhausen@whitecase.com>; Tomback, Andrew (External) <atomback@mclaughlinstern.com>
Subject: [EXTERNAL] RE: Wilson

We sent the below message to Steve on Monday. I apologize for not including the rest of you. Steve may be out of the office or tied up. Could we get a response to the below today. These seem like fairly routine requests. We hope to file our motions tomorrow.

From: Kendall, Michael
Sent: Monday, July 17, 2023 5:08 PM

To: 'Frank, Stephen (USAMA) 1' <Stephen.Frank@usdoj.gov>
Cc: Papenhausen, Lauren <lauren.papenhausen@whitecase.com>
Subject: Wilson

Steve,

We are writing to ask the Government to assent to motions for two orders:

1. That the court order the Marshal's Service to return forthwith the \$1 million seized from John. I am not familiar with this process. Can you tell me who in the USAO or Marshal's Service is the proper contact for facilitating the return of the funds?
2. That the court order the return of the \$200,000 fine paid pursuant to the prior sentencing.

Also, the Government filed a document described as a dismissal of counts. We understand that if the Government intends to dismiss counts it needs to seek leave of court. Will the government be filing a motion for leave to dismiss the reversed counts? If so, will you agree to seek leave to dismiss with prejudice?

Thanks,

Mike

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Short Dial *8 160 9310

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